

**MINUTES OF THE MEETING OF THE
BOARD OF FUNERAL DIRECTING AND EMBALMING**

May 3, 2018

These minutes were approved by the Board on July 26, 2018

1. ROLL CALL

The meeting of the Board of Funeral Directing and Embalming was called to order by Leo Seger, Chair, at 8:33 a.m., in the Nebraska State Office Building, Lower Level Conference Room A, Lincoln, Nebraska. Copies of the agenda were mailed to the Board Members and other interested parties in accordance with the Open Meetings Law. The following members answered roll call:

<u>Members Present</u>	
Lawrence Battaglia	Vice-Chair
Steven Brunken	Member
Leo Seger	Chair
Arvid Wiest	Secretary
<u>Others Present</u>	
Ami Huff	Assistant Attorney General
Kris Chiles	Program Manager, Licensure Unit
Nancy Herdman	Health Licensing Coordinator, Licensure Unit
Mark Meyerson	Investigator
Carla Cue	Investigator
Anna Harrison	Compliance Monitor

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Brunken moved, seconded by Wiest, to adopt the agenda. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

3. APPROVAL OF MINUTES (1-25-18)

Brunken requested a change in the minutes on page 2 under item 6a; it should be changed from 8 days to 10 days.

MOTION: Brunken moved, seconded by Wiest, to approve the minutes of 1-25-18 with the correction. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Abstain: None (0). Motion carried.

4. INVESTIGATIONAL REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Wiest moved, seconded by Brunken, to enter into closed session at 8:34 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. Seger repeated this motion purpose. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

8:44 a.m.	-	Battaglia departed meeting (conflict)
9:09 a.m.	-	Battaglia entered meeting
9:10 a.m.	-	Meyerson and Cue departed meeting

MOTION: Brunken moved, seconded by Wiest, to return to open session at 9:26 a.m. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

9:26 a.m.	-	1 public person entered meeting
		Harrison departed meeting
9:29 a.m.	-	Break
9:35 a.m.	-	Meeting resumed

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

Convictions/Reinstatements/Administrative Penalties

Solt-Wagner Funeral Home – Funeral Home (Central City) and Branch (Polk)

MOTION: Brunken moved, seconded by Wiest, that in addition to an administrative penalty assessed by the Department, to recommend offering a probationary license with a 6 month probation to include the standard terms and conditions and the owners complete the jurisprudence examination within 90 days of the license being issued. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

6. UNFINISHED BUSINESS

- a. Suggested Regulation/Statutory Revisions (refrigeration duration, pre-mortuary educational areas, other)

Chiles summarized previous discussion about requiring every funeral home to have refrigeration or be required to put refrigeration in if they remodel, and indicated that the public person (who appeared to represent the Nebraska Funeral Directing Association) commented he thought it was a good recommendation but should not be a requirement. He was not in favor of putting additional requirements on funeral home establishments and felt the market would solve the issue over time. The Board discussed that the regulations should reflect that after 24 hours, the funeral establishment would have to embalm, cremate or refrigerate and it could refrigerate up to 8 days.

Seger asked the public person his opinion on the pre-mortuary education hours that were proposed at the last meeting. The public person did not have any issues with the hours but commented it would take a statute change which could take some time. The public person also suggested that in the statute where it allows a crematory operator to be trained by the crematory manufacturer that it should be removed because some do not provide a complete training. The Board discussed it should be training from a national certification crematory program.

7. UPDATES AND REPORTS

a. 2018 Legislative Session

The public person handed out the Nebraska Funeral Directors Association Legislative Update 2018. The bills they were tracking were LB 33, LB 173, LB 299 and LB 486. LB 229 and LB 486 passed.

- LB 299 requires review of regulations and allows a person to petition a licensing board to review their convictions prior to that person making an application for a credential. LB 299 changes education requirements for insurance producers.
- Chiles reported on LB 1040 which allows a commemorative certificate for the death of a baby prior to gestation of 24 weeks.

b. Nebraska Funeral Directing Association

No additional information provided.

Moved to agenda item #8.

8. SCORE JURISPRUDENCE/VITAL STATISTICS EXAMINATIONS

MOTION: Brunken moved, seconded by Battaglia, to enter into closed session at 10:14 a.m. for discussions of a confidential nature and scoring the licensure examination. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

MOTION: Wiest moved, seconded by Battaglia, to return to open session at 10:41 a.m. A roll call vote was taken. Voting aye: Battaglia, Brunken, Seger, Wiest (4). Voting nay: None (0). Absent: None (0). Motion carried.

Returned to agenda item 7c.

7. UPDATES AND REPORTS

Returned to finish discussion on agenda item #7.

c. International Conference of Funeral Service Examination Board, Inc.

Seger was unable to attend the conference.

Chiles provided the following reports:

- There had been an increase in the membership fee, practice examination, meeting registration, and board member training.
- A scam alert she received from Alabama in which individuals not associated with a funeral home were attempting to obtain money from families of deceased individuals for extra items they tell them they need.
- An examination cheating scandal in New York where a school was having its student who took the credentialing examination report back to them questions on the examination.

d. Disciplinary and Non-Disciplinary Action Reports / Licensure and Examination Statistics

Chiles provided the following examination results since January 2018:

Jurisprudence – 2 pass
Vital statistics – 2 pass
Jurisprudence, CE – 13 pass

Chiles provided the following active license statistics:

Apprentice, full – 5
Apprentice, split 1 – 5
Apprentice, split 2 - 1
Branch Establishment – 96
Embalmer – 0
Funeral Director – 2
Funeral Director and Embalmer – 392
Funeral Establishment – 165

Chiles circulated the list of funeral directors and embalmers and funeral establishments that had not renewed their licenses.

9. ADJOURNMENT

There being no further business, the chair declared the meeting adjourned at 11:03 a.m.

Respectfully submitted,

Arvid Wiest, Secretary
Board of Funeral Directing and Embalming

Next Meeting: 7-26-18

Summarized by: Nancy Herdman, Health Licensing Coordinator